IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 249 of 2003 (M/B)

Rashtriya Inter College, Bhalsavaga,
Haridwar through its Manager. …….. Petitioner

Versus

District Inspector of Schools,
Haridwar & another. ……... Respondents

Mr. Alok Singh, learned senior counsel on behalf of the petitioner.
Mr. K.P. Upadhyaya, learned brief holder for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard learned counsel of the parties.

2. In this writ petition, the order passed by the District Inspector of School dated 15.03.2003, disallowing the suspension, has been challenged by the Management. However, it is found that, thereafter, the suspended respondent i.e. respondent No. 2 has been allowed to retire and to be superannuated w.e.f. 30th June, 2004. In that view, there will be no question, now, of going into the correctness or otherwise of the suspension order because his being allowed to be superannuated would wipe out all the departmental proceedings. It is to be noted that in the order, permitting him to be superannuated, it is not mentioned that the superannuation is subject to the pending department inquiry. In that view, this writ petition has become infructuous.

3. As if this is not sufficient, the Management has also, in the said letter, asked the concerned respondent to submit his papers for all the retiral benefits. The respondent No. 2 shall be entitled to do so and the Management would, then, forward those papers to the Government for the payment of salary etc. This order shall be without prejudice to any other proceedings, which are pending in the criminal

court as per Mr. Alok Singh, learned senior counsel appearing on behalf of the petitioner.

4. Accordingly, the writ petition is disposed of.

(Irshad Hussan, J.)
06.10.2004

(V.S. Sirpurkar, C.J.)
06.10.2004

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